

## **REMARKS**

Claims 1-19 are pending in the instant application. No claims have been added. Claims 6, 8, 16 have been cancelled. Thus, upon entry of the present Amendment claims 1-5, 7, 9-15, and 17-19 will be pending.

This paper is being filed with an RCE. Reconsideration of this application, in view of the foregoing amendments and the following remarks, is respectfully requested.

### ***Claim Objections***

Claim 11 was objected to for informality. Applicant has corrected the informality.

### ***Claim Rejections - 35 USC § 103***

The Official Action rejects claims 1-6, 8, and 11-16 under 35 U.S.C. 103(a) as being unpatentable over Mongan (United States patent Number 6,304,982) in view of Microsoft Computer Dictionary (fifth edition).

The Examiner stated that "Morgan does not disclose...the test system performs a real-time exchange...representing real-time inputs and outputs... The Examiner uses a definition from Microsoft Computer Dictionary for "real-time" and states "it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate real-time operations into the testing system of Mongan, reducing overhead and increasing speed.

The Examiner has misunderstood the embodiments of the instant application which are drawn to testing equipment as if it were in actual "real-time" operation in order to determine faults. Mongan is drawn to:

[T]ests *performed by any number of connected client computers*, as well the *results of these tests returned by the client computers*. A test manager executed by the server computer *analyzes the results of*

the tests *performed by the client computers*, and determines which tests have passed or failed during execution...(emphasis added).

The tests in Mongan are performed by clients to test software and not hardware or combination of hardware and software. The server computer is a repository of tests performed by the clients.

In Mongan, operated input is scripted to increase speed of the test. In the instant application real-time inputs and outputs is a dynamic model of how the equipment is to operate in real-time operation.

Applicant has amended the claims to more particularly point out and distinctly claim the subject matter which the applicant regards as his invention.

As stated in MPEP 5 2143.01, "the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." MPEP 5 2143.01 (citing IN RE MILLS, 916 F.2d 680 (Fed. Cir. 1990)) (emphasis added). As has been held by the Board of Patent Appeals and Interferences, and noted in the MPEP, the mere fact that one skilled in the art could adapt the reference device to meet the terms of a claim is not by itself sufficient to support a finding of obviousness.

The combination must be within the grasp of a person of ordinary skill and creativity in the relevant art and the benefit of doing so would be obvious. KSR INTERNATIONAL CO. V. TELEFLEX INC, ET AL. 75 U.S.L.W. 4289 (U.S. April 30, 2007)

Applicants respectfully submit that one of ordinary skill in the art and creativity would see the benefit of applying the Microsoft Computer Dictionary definition to the system of Mongan..

In light of the above, it is respectfully submitted that the instant application is in condition for allowance, and notice to that effect is respectfully requested.

While it is believed that the instant response places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned in order to expeditiously resolve any outstanding issues.

Respectfully submitted:  
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